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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/786,691	02/25/2004	Ming Kuan Qian	39524.9500	3683

20322 7590 02/05/2008  
SNELL & WILMER L.L.P. (Main)  
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ONE ARIZONA CENTER  
PHOENIX, AZ 85004-2202

EXAMINER
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WORKU, NEGUSSIE

ART UNIT	PAPER NUMBER
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2625

MAIL DATE	DELIVERY MODE
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02/05/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No. 10/786,691	Applicant(s) QIAN ET AL.	
	Examiner Negussie Worku	Art Unit 2625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 25 February 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 is/are rejected.
- 7) ☐ Claim(s) 2-4 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. This is a replay to the application filed on in which, claims 1-4 are pending, Claims 1 is independent, and claims 2-4 are dependent.

#### *Priority*

2. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d). Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

#### *Claim Rejections - 35 USC § 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yamamoto (USP 6,126,335), in view of Araki et al. (USP 5,754,314).

With respect to claim 1, Yamamoto '335' discloses a film holding apparatus for use with a scanner, (a film holder comprises a plurality of holder elements 2,3 and 7) said film holding apparatus (film holder 61 of fig 7) being configured to selectively hold a positive film and a negative film to be scanned, (holder 61 which is positioned on guide plate 55 of fig 2 holds film to be scanned by scanner shown in fig 1) said positive film

and said negative film being respectively supported by a first frame and a second frame, said film holding apparatus (col.7, lines 28+), comprising:

a pair of guiding slots (film inlet 63 of fig 7) configured to define a first opening (front end surface 63f) and a second opening opposite to said first opening (front end surface 63f through a rear end surface 63g of fig 7, co.7, lines 40-45+), said first opening and said second opening selectively allowing said first frame and said second frame to slide into said pair of guiding slots respectively through said first opening and said second opening (first and second frames [i.e. film] selectively moving from front end surface 63f through a rear end surface 63g of fig 7, by guide plate 55 of fig 2, co.7, lines 40-45+).

a first positioning unit (fixing members 14 of fig 2) disposed on a first side of said pair of guiding slots, (inlet 63 of fig 7) said first positioning unit 14 of fig 2) having a blocking portion (blocking portion 51 of fig 4) and a guiding portion (guiding plate 55 of fig 2) respectively facing said first opening and said second opening (guiding plate 55 of fig 2, first opening front end surface 63f through a rear end surface 63g of fig 7, co.7, lines 40-45+); wherein, said first frame is positioned by said blocking portion as said first frame slides into said pair of guiding slots through said first opening (first frame [i.e. film] moves from front end surface 63f through a rear end surface 63g of fig 7, co.7, lines 40-45+), and said second frame is slidable within said pair of guiding slots by touching against the guiding portion as said second frame slides into said pair of guiding slots through said second opening, (first frame [i.e. film] moves from front end surface 63f through a rear end surface 63g of fig 7, co.7, lines 40-45+).

Yamamoto '335' does not specifically teach film holding device configured to selectively hold a positive film and a negative film.

Araki et al. '314' in the same area of image forming apparatus including film holding and conveying mechanism, as shown in fig 1), teaches film holding device (original holder 40 of fig 4 configured to selectively hold a positive film and a negative film (film holder 40, holds positive or negative film respectively, col.5, lines 1-10).

It would have been obvious to a person with ordinary skill in the art at the time the invention was made to have modified imaging device of Yamamoto '335' by the teaching of Araki et al. '314' for the purpose of reducing time wasted in operation of using different film holder for different film i.e., negative and positive film, which is laborious and time consuming and thus reduce work efficiency.

***Claims having Allowable subject matter***

5. Claims 2-4 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 2 through 4 are objected to as having allowable subject matter for the reason that the prior art searched and of record neither anticipates nor suggests the film holding apparatus, further comprising a second positioning unit disposed on a second side of said pair of guiding slots, wherein said second frame has a plurality of positioning elements disposed along a longitudinal direction of the second frame with two adjacent positioning elements spacing from each other for a predetermined

distance, and the plurality of positioning elements are selectively positioned by said second positioning unit as said frame slides into said pair of guiding slots through said second opening.

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. USP 6,088,084, USP 6,404,515, USP 6,126,335, directed to original carrier, film holder and image reader.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Negussie Worku whose telephone number is 571-272-7472. The examiner can normally be reached on 9am-6pm.

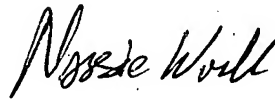
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Aung Moe can be reached on 571-272-7314. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

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USPTO Customer Service Representative or access to the automated information  
system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A handwritten signature in black ink, appearing to read "Negussie Worku".

Negussie Worku  
Examiner  
Art Unit 2625